

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

KOMLA EDAH,
Plaintiff,

Case No. 2:06-cv-554

vs.

JUDGE GEORGE C. SMITH

Magistrate Judge Norah McCann King

TRIDENT SEAFOODS CORP.,
Defendant.

OPINION AND ORDER

This matter is before the Court on Plaintiff's objections to Magistrate Judge King's *Report and Recommendation* issued on January 24, 2007, wherein she recommended that *Defendant's Motion to Dismiss for Improper Venue*, be granted. Pursuant to 28 U.S.C. § 636(b)(1), this Court has conducted a *de novo* review of the *Report and Recommendation* and concludes that Plaintiff's objections are without merit.

Plaintiff argues that the Magistrate Judge incorrectly interpreted *Boyd v. Grand Trunk R.R. Co.*, 338 U.S. 263, 265 (1949), and that if *Boyd* were properly interpreted and applied, the venue selection provision at issue in this case is rendered unenforceable requiring denial of *Defendant's Motion to Dismiss for Improper Venue*. However, as Defendant correctly notes in its response to Plaintiff's objections, Magistrate Judge King concluded that *Boyd* is inapplicable to the case at bar. This Court agrees with the Magistrate Judge's conclusion and finds her analysis correct. Thus, for the reasons discussed in the *Report and Recommendation*, Plaintiff's objections, Doc. # 19, are **OVERRULED**. The *Report and Recommendation*, Doc. # 18, is

hereby **ADOPTED** and **AFFIRMED**. *Defendant's Motion to Dismiss for Improper Venue*,
Doc. # 5, is **GRANTED**.

This action is hereby DISMISSED.

DATE

/S/ George C. Smith
GEORGE C. SMITH
UNITED STATES DISTRICT JUDGE